

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 42-20**

**A RESOLUTION TO APPROVE AN AMENDMENT OR CHANGE ORDER FOR AN ONGOING PUBLIC WORKS CONTRACT WITH FORT MYER CONSTRUCTION CORPORATION FOR THE CONSTRUCTION OF A SIDEWALK ALONG NORTH HURON DRIVE**

Introduced by: Mayor Habeeb-Ullah Muhammad

**WHEREAS**, the North Huron Drive Sidewalks – Phase I Project (Contract No. FHRFB 2-17) includes reconstruction of more than 2,300 linear feet of pervious concrete sidewalk, reconstruction/upgrades to driveway aprons, construction of ADA compliant concrete ramps, tree and fence removal and installation, and pavement markings to allow for pedestrian flow and access to the area schools; and

**WHEREAS**, at its August 21, 2019 Town Council meeting, the Town Council approved Resolution 52-19 which awarded the bid and authorized the Mayor to execute a contract on behalf of the Town with Fort Myer Construction Corporation for the construction of a sidewalk along North Huron Drive for a total cost of \$539,449.10; and

**WHEREAS**, during a telephone conversation on August 27, 2019 between the Town Administrator, the project manager, Pennoni Associates, and Fort Myer Construction Corporation, the awardee, an issue was raised by the awardee indicating that “there are some line items missing in the proposal such as GAB [Graded Aggregate Base] under the driveway[s];” and

**WHEREAS**, the Bid Response Form of the Town’s Invitation for Bids for this project as completed by the awardee includes line items (5001 & 5002) to install a 6” concrete driveway apron above a 4” Graded Aggregate Base (“GAB”); however, neither party apparently foresaw the need to include a line item for removing, hauling, and dumping the existing dirt, clay or other materials in order to backfill with the requisite 4” GAB as required by SHA Standards for Highways and Incidental Structures No. MD 630.01 & No. 630.02; and

**WHEREAS**, both parties to the then proposed contract at the time agreed that this aspect of the scope of work was not made explicit in the advertised bid package nor was it adequately addressed in the original bid response by Fort Myer; and

**WHEREAS**, consequently, to cover the abovementioned driveway apron construction costs both parties have negotiated a fair and equitable price addition of \$16,315.00 to the original bid amount submitted by Fort Myer to be approved as a change order or amendment; and

**WHEREAS**, said price addition would increase the overall amount of the bid response from \$539,449.10 to \$555,764.10, but would still result in the Fort Myer bid response being the

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lowest bidder for the project because the next lowest bid for this project came in at \$562,005.15 submitted by Priority Construction; and

**WHEREAS**, the Town has received Safe Routes to School monies in the amount of \$211,000.00 from the SHA to assist with the funding of this project; and

**WHEREAS**, the Town previously recommended Fort Myer Construction Corporation as the lowest and best qualified bidder to perform the construction services for said project at a total cost of \$539,449.10 and the MDOT-SHA determined that the original bid meets the established criteria of responsibility under their Governing Specifications; and

**WHEREAS**, the MDOT-SHA had issued a Concurrence in Award letter to the Town dated July 11, 2019 which depicts their agreement with the Town's decision to award the project to Fort Myer Construction Corporation and has recommended notice to proceed; and

**WHEREAS**, since the contract has been executed, partially performed and the change described herein is reasonable and necessary, the Town Council finds it to be in the best interest of the Town to approve the above-described change order or amendment.

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and Town Council of the Town of Forest Heights, Maryland have received and reviewed the attached letter from the project manager Pennoni Associates on behalf of the Town depicting the unit cost amendment to the original bid amount submitted by Fort Myer Construction Corporation referred to as Exhibit A of this Resolution.

**AND, BE IT FURTHER RESOLVED** that the Town Council hereby amends and ratifies Resolution 52-19, as deemed necessary, to conform with the intent of this Resolution and to further approve and authorize the Mayor to execute a contract amendment or change order with Fort Myer Construction Corporation attached hereto as Exhibit B in the revised amount of \$555,764.10 to carry out the performance of the project described hereinabove to be paid from Budget line item 8000 "Street Repairs".

**AND, BE IT FURTHER RESOLVED**, that the Town Council of Forest Heights, Maryland hereby authorizes and approves the Mayor on behalf of the Town to execute any other related instrument or document necessary to carry out the intent of this Resolution.

**AND, BE IT FURTHER RESOLVED** that this Resolution shall take effect upon its passage.

**PASSED** this 15<sup>th</sup> day of July 2020.

**APPROVED:** By Resolution of the Town Council of The Town of Forest Heights, Maryland.

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ROLL CALL VOTE  
MUHAMMAD  
KENNEDY II  
NOBLE  
BARNES  
HINES  
WASHINGTON  
ATKINSON

YEA/NAY/ABSTAIN/ABSENT

Yea  
Yea of Absent  
Yea  
Yea  
Yea  
Yea  
Yea

ATTEST:

MAYOR AND COUNCIL OF THE TOWN OF  
FOREST HEIGHTS, MARYLAND

**SIGNATURE ON FILE**

Sherletta Hawkins, Town Clerk

**SIGNATURE ON FILE**

Habeeb-Ullah Muhammad, Mayor

**SIGNATURE ON FILE**

Calvin Washington, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland,  
that on the 15<sup>th</sup> day of July 2020 with 6 Aye votes and        Nay vote the aforesaid  
Resolution 42-20 passed.

**SIGNATURE ON FILE**

Sherletta Hawkins, Town Clerk

Exhibit A (Unit Cost Letter) & Exhibit B (amendatory contract/change order)